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<ul><li>7</li><li>8</li><li>9</li></ul>	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
10	CORY BARCUS,	
11	Plaintiff,	CASE NO. 11-cv-05857 JRC
12	v.	ORDER GRANTING DEFENDANT HOME DEPOT'S SECOND MOTION
13	HOME DEPOT U.S.A., INC.,	TO DISMISS
14	Defendant.	
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16	This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local	
17	Magistrate Judge Rule MJR 13 (see also Joint Stat	us Report, ECF No. 9, p. 3). This matter is
18	before the Court on Defendant's Second Motion to Dismiss (ECF No. 19). Plaintiff has not	
19	responded to this motion.	
20	The Court has reviewed Defendant Home I	Depot's Second Motion to Dismiss (ECF No.
21	19), the Declaration of Gregory Thatcher in Suppo	ort of Defendant Home Depot's Second Motion
22	to Dismiss with Exhibit 1 (ECF No. 20) and Defendant Home Depot's Reply in Support of	
23	Second Motion to Dismiss (ECF No. 21).	
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1	PROCEDURAL HISTORY
2	Plaintiff, CORY BARCUS, filed a complaint in this Court against defendant, HOME
3	DEPOT U.S.A., INC., on October 17, 2011 (see ECF No. 1). Plaintiff alleges that he incurred an
4	injury while attempting to load merchandise onto his truck with assistance from one of
5	defendant's employees (see id., $\P$ 3). Although plaintiff initially was represented by an attorney,
6	on February 28, 2012, the Court granted the Motion to Withdraw as Attorney, which was filed
7	by plaintiff's counsel (see ECF Nos. 12, 13). Although the Motion to Withdraw as Attorney
8	indicated that plaintiff had agreed to seek and retain other counsel for representation in this
9	matter, no attorney has appeared on behalf of plaintiff since that point in time (see ECF No. 12,
10	p. 1).
11	On March 23, 2012, defendant filed a Motion to Dismiss Plaintiff's Action or in the
12	Alternative for an Order Compelling Discovery (see ECF No. 14; see also ECF Nos. 15-16, 17).
13	Plaintiff did not file a response to that motion (see ECF No. 17, p. 1).
14	On April 18, 2012 this Court ordered Plaintiff to provide his Initial Disclosures and
15	answers to Defendant's First Set of Interrogatories and Requests for Production to Defendant no
16	later than May 3, 2012 and that failure to comply with that order may result in dismissal of this
17	action (see ECF No. 18).
18	<u>FINDINGS</u>
19	This Court finds that Plaintiff has failed to comply with this Court's April 18, 2012 Order
20	Compelling Discovery (ECF No. 18);
21	This Court finds that Plaintiff has failed to serve timely his Initial Disclosures, as
22	required by Fed. R. Civ. P. 26(a)(1);
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1	This Court finds that Plaintiff has not provided timely answers to Defendant's First Set of	
2	Interrogatories and Requests for Production;	
3	This Court finds that Defendant has made good faith attempts to secure Plaintiff's Initial	
4	Disclosures and answers to its First Set of Interrogatories and Requests for Production without	
5	the Court's intervention;	
6	This Court finds that Plaintiff failed to notify this Court and Defendant of any change of	
7	address;	
8	This Court finds that Plaintiff has not complied with the Federal Rules of Civil	
9	Procedure, and in particular Rules 26(a)(1), 33(b)(1)(2) and 34(b)(2); and	
10	This Court finds that Plaintiff has failed to prosecute his case.	
11	Based on the foregoing findings,	
12	IT IS HEREBY ORDERED that Plaintiff's action against defendant is DISMISSED	
13	WITH PREJUDICE.	
14	Dated this 8th day of June, 2012.	
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16	J. Richard Creatura United States Magistrate Judge	
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